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10/780,342	02/17/2004	Christopher J. Misorski	M09719	9955

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EXAMINER	
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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/780,342
Filing Date: February 17, 2004
Appellant(s): MISORSKI ET AL.

Michael E. Taken
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed on January 12, 2006 appealing from the Office action mailed on September 19, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,312,821	Takasaki et al.	11-2001
5,718,014	deBlois et al.	2-1998

5,656,376 Rafferty et al. 8-1997

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-7, 9-15, 34 and 35 are rejected under 35 U.S.C. 103(a). These rejections are set forth in the prior Office Action, mailed on September 19, 2005.

(10) Response to Argument

The applicant argues that the references as disclosed by deBlois (US 5,718,014) and Rafferty et al. (US 5,656,376) are nonanalogous art to the base reference as disclosed by Takasaki et al. (US 6,312,821), and cannot be used in combination therewith for the rejection of claims 1-7, 9-15, 34 and 35.

In response to the applicant's argument, Takasaki et al. discloses a marine propulsion device that is comprised of an outboard motor with an aluminum gear housing structure, an aluminum drive shaft housing that is attached to said gear housing, and a polymer layer that is chemically bonded on an outer surface of said gear housing structure and said drive shaft housing with an adhesion promoting substance that facilitates the adhesion of said polymer layer to said outer surface of said gear housing structure and said drive shaft housing, where said polymer layer is provided as a means for said gear housing structure to resist corrosion in a marine environment. However, Takasaki et al. does not disclose the use of a polymer layer that is molded around said gear housing structure. Thus, the examiner has relied upon the reference as disclosed by deBlois to demonstrate that it is known to utilize a polymer layer that is

injection molded onto a gear housing structure for the purpose of waterproofing said gear housing structure. The use of a molded polymer layer on the gear housing structure as disclosed by deBlois indicates that said structure is capable of being utilized in a marine environment, and thus requires protection from the damaging effects of said marine environment. Therefore, there is sufficient motivation to combine the injection molded polymer layer as disclosed by deBlois with the marine propulsion device as disclosed by Takasaki et al. for the purpose of providing a means for waterproofing a gear housing structure of said marine propulsion device, since both Takasaki et al. and deBlois disclose gear housing structures that are provided with a coating structure for corrosion resistance in a marine environment.

Takasaki et al. also does not disclose the use of a polymer layer having a hydrodynamic shape, or being comprised of a fiber, glass or carbon filled polymer. As a result, the examiner has relied upon the reference as disclosed by Rafferty et al. to show that is known to utilize a laminate structure in combination with a marine propulsion device, where said laminate structure can be molded to form hydrodynamic shapes, as specifically mentioned by Rafferty et al. in lines 49-52 of column 1, and is comprised of a polymer layer in the form of an epoxy resin with reinforcement material in the form of fibers, glass or carbon that is added to increase the strength of said polymer. Therefore, there is sufficient motivation to combine the reinforced molded polymer layer for a marine propulsion device as disclosed by Rafferty et al. with the marine propulsion device as disclosed by Takasaki et al. and the injection molded polymer layer as disclosed by deBlois for the purpose of providing a molded polymer

layer with increased strength that also provides corrosion resistance for a gear housing structure of a marine propulsion device in a marine environment.

It is also considered reasonable by the examiner to assume that one of ordinary skill in the art would find it obvious to utilize a polymer layer with a thermal coefficient of expansion that is similar to that of a metallic part that is to be coated by said polymer layer in order to prevent or at least minimize cracking or damage to said polymer layer as a result of thermal expansion of said metallic part. Otherwise, said polymer layer would not be useful as a coating structure for said metallic part, since said polymer layer would come apart from said metallic part as a result of significantly different rates of thermal expansion.

For the above reasons, it is believed that the rejections should be sustained.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

(12) Evidence Appendix

No evidence relied upon by the appellant in the appeal is identified by the examiner in the Evidence Relied Upon section of this examiner's answer.

An appeal conference was held on December 20, 2005 with Supervisory Patent Examiner S. Joseph Morano and Supervisory Patent Examiner Lesley D. Morris.

Respectfully submitted,

LARS A. OLSON
PRIMARY EXAMINER

2/22/06

lo
February 22, 2006

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